

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 4, 5, 7-10, 12-16, and 18-23 are pending in the application, with claims 1, 7, 12, and 16 being the independent claims. Claims 1, 4, 5, 7, 9, 10, 12, 14-16, 18, and 19 are sought to be amended. Support for the amendment to claims 1, 7, 12, and 16 can be found, for example, at page 8, lines 5-16 of the as filed application. Applicants reserve the right to prosecute similar or broader claims, with respect to the amended claims, in the future. New claims 20-23 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Statement of Substance of Interview

Pursuant to 37 C.F.R. § 1.133, Applicants provide the following statement of Substance of the Interview. Applicants express their appreciation to Examiner Haliyur for the courtesy of a telephonic interview with Applicants' representatives on March 31, 2009 and April 1, 2009. During the interview, differences between the references of record and the claimed invention were discussed. An agreement was not reached, but the Examiner made some suggestions of possibly allowable subject matter found in the specification, which Applicants have incorporated into newly added dependent claims 20-23.

Rejections Under 35 U.S.C. § 103

Alfano and Golestani

Claims 1, 4, 7-9, 12, 13, 15, 16, and 18 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,094,423 to Alfano et al. (“Alfano”) in view of U.S. Patent No. 6,965,943 to Golestani (“Golestani”). For the reasons set forth below, Applicants respectfully traverse.

Claims 1, 7, 12, and 16 recite features that distinguish over the applied references. For example, claims 1, 7, 12, and 16 recite “transmit[ting] a query to [a] destination communication device, the query about packet sizes that are recognizable by the destination communication device.” The combination of Alfano and Golestani does not teach or suggest at least this feature.

Alfano is directed to a system and method for linking a transaction protocol and a connection-oriented protocol in a wireless communication protocol device. A transaction protocol, in comparison to a connection-oriented protocol, “has a low implementation and operating cost.” (Alfano, col. 2, lines 34-36.) However, the use of a transaction protocol is not always possible. Transaction protocols are “designed around a maximum amount of data being allowed to be transmitted in each message exchange.” (Alfano, col. 2, lines 31-34.) As such, the use of a connection-oriented protocol is required in instances where the maximum amount of data to be transmitted exceeds this limit of a transaction protocol. Alfano purports “an ideal solution” by using the transaction protocol in cases where the transaction protocol is sufficient to carry messages “and a connection-oriented protocol in all other cases.” (Alfano, col. 2, lines 50-54.)

Transaction protocols, as specifically disclosed in Alfano, simply include “a short request for information by an initiator and a response to the request from the recipient.” (Alfano, col. 2, lines 15-17.) Consequently, only a single message is transmitted from both the initiator and the recipient in a single transaction. If the response to a request sent by an initiator is greater than a single maximum transmission unit (MTU), the responder (i.e., the recipient) will segment the message and eventually begin to execute a connection-oriented protocol. (Alfano, col. 5, lines 64-67, col. 6, lines 1-42.)

Neither the initiator *nor* the recipient in the scheme of Alfano discussed above “[transmit] a query to [a] destination communication device, the query regarding packet sizes that are recognizable by the destination communication device” as recited in claims 1, 7, 12, and 16. At most, in Alfano a recipient receives a request for information that is sent by an initiator and determines if the appropriate response to the request is greater than an MTU. The recipient would then transmit the requested information to the initiator using either a transaction protocol or a connection-oriented protocol based upon this determination. Thus, neither the request for information sent by the initiator, nor the response provided in turn by the recipient, involves a query for packet sizes that are recognizable by a destination device.

In fact, Alfano at col. 2, lines 21-25, discloses that “there is no opportunity for each side of a transaction protocol to negotiate parameters such as *packet size*.” (Emphasis added.) Alfano further discloses at col. 3, lines 55-57, that “[s]ince all connection management information for a transaction protocol and a connection-oriented protocol is identical, that information does not need to be re-negotiated” when using a connection-oriented protocol.

Therefore, Alfano does not teach or suggest at least “transmit[ing] a query to [a] destination communication device, the query about packet sizes that are recognizable by the destination communication device” as recited in claims 1, 7, 12, and 16.

The deficiency of Alfano with respect to the above noted feature recited in claims 1, 7, 12, and 16 is not remedied by the teachings of Golestani. Indeed, the Examiner has not pointed to, and Applicants cannot find, any teachings in Golestani that teach or suggest the above noted feature recited in claims 1, 7, 12, and 16.

For at least the reasons provided above, independent claims 1, 7, 12, and 16 are patentable over the combination of Alfano and Golestani. Claims 4, 8, 9, 13, 15, and 18 are similarly patentable over the combination of Alfano and Golestani for the same reason as claims 1, 7, 12, and 16, from which they respectively depend, and further in view of their own features. Accordingly, Applicants respectfully request that the rejection of claims 1, 4, 7-9, 12, 13, 15, 16, and 18 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Alfano, Golestani, and Blackwell

Claims 5, 10, 14, and 19 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Alfano, in view of Golestani, and in further view of U.S. Patent No. 6,085,253 to Blackwell et al. (“Blackwell”). For the reasons set forth below, Applicants respectfully traverse.

On page 10 of the Office Action the Examiner states, which Applicants do not acquiesce to, Blackwell teaches “a method for the receiver requesting the retransmission of packets while packets are being transmitted in a bidirectional data communication system” However, Blackwell is not used by the Examiner in the Office Action to teach or suggest at least the above noted distinguishing features, nor does Blackwell overcome

the deficiencies of Alfano and Golestani described above relative to claims 1, 7, 12, and 16. For at least this reason, independent claims 1, 7, 12, and 16 are patentable over the combination of Alfano, Golestani, and Blackwell. Claims 5, 10, 14, and 19 are similarly patentable over the combination of Alfano, Golestani, and Blackwell for the same reason as claims 1, 7, 12, and 16, from which they respectively depend, and further in view of their own respective feature. Accordingly, Applicants respectfully request that the rejection of claims 5, 10, 14, and 19 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

New Claims 20-23

Applicants have added new claims 20-23. Claims 20-23 are patentable over the combination of Alfano, Golestani, and Blackwell for the same reason as claims 1, 7, 12, and 16, from which they respectively depend, and further in view of their own features. Thus, entry, consideration, and allowance of new claims 20-23 is respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date: 5/22/09

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

946245_1.DOC